

**REMARKS**

After the foregoing amendments, claims 5 and 11 are currently pending in this application, claims 1 – 4 having been canceled without prejudice. Claims 6 – 10 were previously withdrawn from consideration pursuant to a Restriction Requirement. Applicant expressly reserves the right to file future applications directed to claims 6 – 10 without prejudice. New claim 11 has been added to further clarify that Applicant's invention comprises partitioning the assays to be conducted into three sub-groups based on frequency of requested performance and then supplying reagents from three separate reagent sources in a particular manner. Support for new claim 11 can be found in paragraphs [0040] – [0042] and [0046] and Fig. 9A of the originally-filed specification. Claim 5 has been amended to adjust its dependency. Applicant submits that no new matter has been introduced into the application by these amendments.

***Claim Rejections – 35 USC § 102***

The rejection of claims 1, 2, and 5 under 35 USC § 102(b) as anticipated by U.S. Patent No. 7,101,715 to Devlin has been maintained. In view of new claim 11, it can no longer be said that Devlin anticipates claim 1 (currently new claim 11) because Devlin does not teach partitioning the different assays to be conducted into three sub-groups based on frequency of request and then inventorying reagents in three separate reagent sources, as recited in new claim 11.

Applicant therefore submits that the outstanding rejection under 35 USC § 102(b) as anticipated by Devlin is no longer justified and respectfully requests that the rejection of claim 1 (currently new claim 11) and 5 be withdrawn.

The rejection of claims 1, 2, and 5 under 35 USC § 102(b) as anticipated by U.S. Patent No. 7,270,784 to Vuong et al. has been maintained. The Examiner finds two reagent storage carousels 130 and 135 within Vuong and suggests that Vuong teaches the use of duplicate reagents for assays to increase throughput.

Applicant traverses this rejection on the basis that Vuong teaches that throughput may be increased by using different types of dispensing modules, one type (155) for small volumes

(Col 13, lines 15 – 20) and another type (140, 150) for sequential additions of different materials (Col 13, lines 26 – 29). In other words, Vuong's throughput may be increased by adding different types of reagent dispensers and not by duplicating the same reagents within only one of three reagent sources as is now claimed by Applicant.

For at least the reason set forth above, Applicant submits that the outstanding rejection under 35 USC § 102(b) as anticipated by Vuong is not proper and respectfully requests that claims 11 and 5 be allowed.

### ***Claim Rejections –35 USC § 103***

The rejection of claims 3 and 4 under 35 USC § 103(a) as unpatentable over Devlin has been maintained. The cancelation of claims 3 and 4 obviates this rejection.

### ***Conclusion***

Applicant believes that this application contains patentable subject matter and that the foregoing explanation provides a basis for favorable consideration and allowance of all claims; such allowance is respectfully requested. If any matter needs to be resolved before allowance, the Examiner is encouraged to call Applicant's representative at the number provided below.

Respectfully submitted,

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